UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America
v.
AMAURY TORRES
Defendant

Case No. **(S4) 16 CR 175 (LGS)**

APPEARANCE BOND

Defendant's Agreement

I, **AMAURY TORRES** *(defendant)*, agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

(X) to appear for court proceedings;
(X) if convicted, to surrender to serve a sentence that the court may impose; or
(X) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

(X) (1) This is a personal recognizance bond.

(   ) (2) This is an unsecured bond of $ ________ .

(X) (3) This is a secured bond of $ **12,500.00** , secured by:

(X) (a) $ **2,500.00** , in cash deposited with the court.

(   ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property *(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value)*:

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

(   ) (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety)*:

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

(1) all owners of the property securing this appearance bond are included on the bond;
(2) the property is not subject to claims, except as described above; and
(3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: **10/31/16**

Defendant signature: **AMAURY TORRES**

Surety/property owner – **ORLANDO TORRES LOPEZ**

Surety/property owner – signature and date

Surety/property owner –

Surety/property owner – signature and date

Surety/property owner –

Surety/property owner – signature and date

CLERK OF COURT

Date: **10/31/16**

Signature of Clerk or Deputy Clerk

Approved.

Date: **10/31/16**

AUSA: **JENNIFER GACHIRI**

INTERPRETER NEEDED( )

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America)
v.)
) Case No. **(S4) 16CR 175 (LGS)**
AMAURY TORRES)
Defendant)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

(1) The defendant must not violate federal, state, or local law while on release.

(2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.

(3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.

(4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: ____
Place

____

on ____
Date and Time

If blank, defendant will be notified of next appearance.

(5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(X) (6) The defendant is placed in the custody of:
Person or organization **ORLANDO TORRES LOPEZ**
Address *(only if above is an organization)* ______
City and state ______ Tel. No. ______

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: Orlando Torres Lopez ______
Custodian *Date*

(X) (7) The defendant must:

(X) (a) submit to supervision by and report for supervision to the **PSA FOR STRICT PRETRIAL SUPERVISION**, telephone number ______, no later than ______.

(   ) (b) continue or actively seek employment.

(   ) (c) continue or start an education program.

(X) (d) surrender any passport to: **PRETRIAL SERVICES**

(X) (e) not obtain a passport or other international travel document.

(X) (f) abide by the following restrictions on personal association, residence, or travel: **SOUTHERN AND EASTERN DISTRICTS OF NY DISTRICT OF PUERTO RICO**

(   ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: ______

(   ) (h) get medical or psychiatric treatment: ______

(   ) (i) return to custody each ______ at ______ o'clock after being released at ______ o'clock for employment, schooling, or the following purposes: ______

(   ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(X) (k) not possess a firearm, destructive device, or other weapon.

(   ) (l) not use alcohol (   ) at all (   ) excessively.

(   ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical medical practitioner.

(X) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

(X) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

(   ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

(   ) (i) **Curfew.** You are restricted to your residence every day (   ) from ______ to ______, or (   ) as directed by the pretrial services office or supervising officer; or

(   ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

(   ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

(   ) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

(   ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

(   ) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

ADDITIONAL CONDITIONS OF RELEASE

(X) (s) AGREED CONDITIONS OF RELEASE: $12,500 PERSONAL RECOGNIZANCE BOND; TO BE COSIGNED BY ONE FINANCIALLY RESPONSIBLE PERSON; SECURED BY $2,500 CASH; TRAVEL RESTRICTED TO SDNY/EDNY/DPR; SURRENDER TRAVEL DOCUMENTS AND NO NEW APPLICATIONS; STRICT PRETRIAL SUPERVISION; DRUG TESTING AND TREATMENT AS DIRECTED BY PTS; DEFT NOT TO POSSESS FIREARMS/DESTRUCTIVE DEVICES/OTHER WEAPONS; DEFT TO BE RELEASED ON OWN SIGNATURE; PLUS THE FOLLOWING CONDITIONS: 1 FRP; REMAINING CONDITIONS TO BE MET BY 11/14/16; FATHER TO BE HIS CUSTODIAN; DEFT TO LIVE WITH FATHER.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT: AMAURY TORRES (S4) 16 CR 175 (LGS)

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a $250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

(1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than $250,000 or imprisoned for not more than 10 years, or both;

(2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than $250,000 or imprisoned for not more than five years, or both;

(3) any other felony – you will be fined not more than $250,000 or imprisoned not more than two years, or both;

(4) a misdemeanor – you will be fined not more than $100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

DEFENDANT RELEASED

____

Defendant's Signature: **AMAURY TORRES**

____

City and State

Directions to the United States Marshal

( ) The defendant is ORDERED released after processing.

( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: **10/31/16**

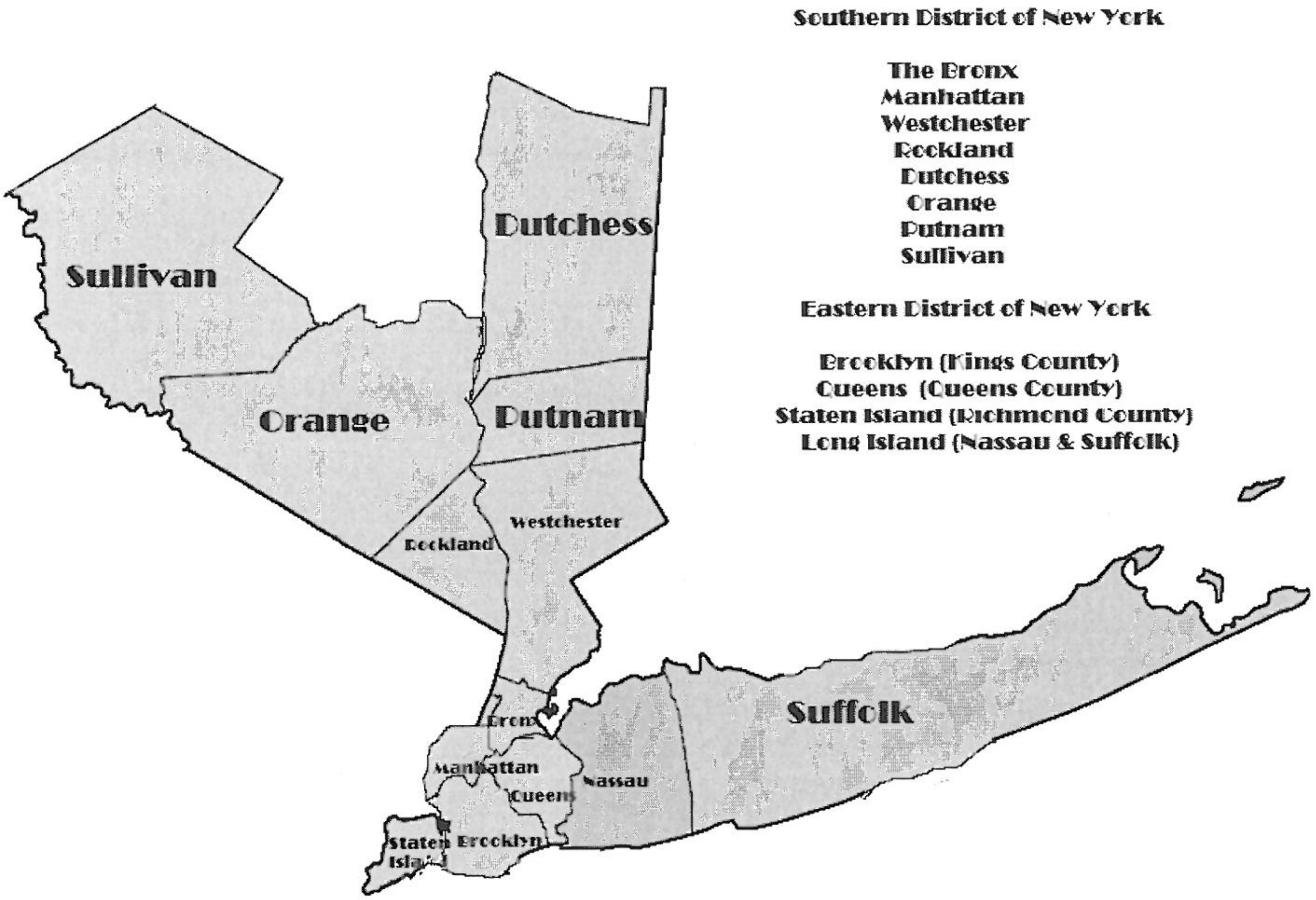
____

Judicial Officer's Signature

____

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL


Southern District of New York
The Bronx
Manhattan
Westchester
Rockland
Dutchess
Orange
Putnam
Sullivan
Eastern District of New York
Brooklyn (Kings County)
Queens (Queens County)
Staten Island (Richmond County)
Long Island (Nassau & Suffolk)
Sullivan
Dutchess
Orange
Putnam
Westchester
Rockland
Suffolk
Nassau
Manhattan
Queens
Brooklyn

DOCKET No. S4 16 Cr. 175 (LGS) DEFENDANT Amaury Torres

AUSA Jennifer Gachiri DEF.'S COUNSEL Alan Nelson

☐ RETAINED ☐ FEDERAL DEFENDERS ☒ CJA ☐ PRESENTMENT ONLY

☒ Spanish INTERPRETER NEEDED

☐ DEFENDANT WAIVES PRETRIAL REPORT

☐ Rule 5 ☒ Rule 9 ☐ Rule 5(c)(3) ☐ Detention Hrg.

DATE OF ARREST ______ ☐ VOL. SURR.
TIME OF ARREST ______ ☐ ON WRIT
TIME OF PRESENTMENT ______

☐ Other: ______

BAIL DISPOSITION

☐ SEE SEP. ORDER
☐ SEE TRANSCRIPT

☐ DETENTION ON CONSENT W/O PREJUDICE ☐ DETENTION: RISK OF FLIGHT/DANGER
☐ DETENTION HEARING SCHEDULED FOR: ______
☒ AGREED CONDITIONS OF RELEASE
☐ DEF. RELEASED ON OWN RECOGNIZANCE
☒ $ 12,000 PRB ☒ 1 FRP
☒ SECURED BY $ 2,000 CASH/~~PROPERTY~~: ______
☒ TRAVEL RESTRICTED TO SDNY/EDNY/ DPR
☐ TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES
☒ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)

☒ PRETRIAL SUPERVISION: ~~☒ REGULAR~~ ☒ STRICT ☐ AS DIRECTED BY PRETRIAL SERVICES
☒ DRUG TESTING/TREATMT AS DIRECTED BY PTS ☐ MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS
☐ DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT

☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING ☐ GPS
☐ DEF. TO PAY ALL OF PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES

☐ DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] ☐ DEF. TO CONTINUE OR START EDUCATION PROGRAM
☒ DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON

☐ DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET
☒ DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: 1 FRP
______; REMAINING CONDITIONS TO BE MET BY: ~~11/7~~ 11/14/16

ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:

Father to be his "custodian" – Δ to live w. father

☒ DEF. ARRAIGNED; PLEADS NOT GUILTY ☒ CONFERENCE BEFORE D.J. ON TBD
☐ DEF. WAIVES INDICTMENT
☒ SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL 11/30 or conf

For Rule 5(c)(3) Cases:
☐ IDENTITY HEARING WAIVED ☐ DEFENDANT TO BE REMOVED
☐ PRELIMINARY HEARING IN SDNY WAIVED ☐ CONTROL DATE FOR REMOVAL: ______

PRELIMINARY HEARING DATE: ______ ☐ ON DEFENDANT'S CONSENT

DATE: Oct. 31, 2016

[signature]
UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.

WHITE (original) – COURT FILE PINK – U.S. ATTORNEY'S OFFICE YELLOW – U.S. MARSHAL GREEN – PRETRIAL SERVICES AGENCY
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